IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.10764 OF 2004

Nanasaheb Durgappa Shinde : Petitioner

V/s.

The State of Maharashtra & Ors. : Respondents

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Mr.S.M.Sahasrabudhe for Mr.Girish S. Godbole for the petitioner.

Mr.A.H.Palekar, Asstt. Govt. Pleader, for the respondents.

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**CORAM : S.A. BOBDE, J.**

September 6, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Palekar, learned Asstt. Govt. Pleader, appears and waives service of rule on behalf of the respondents.

Heard by consent.

2. The petitioner is aggrieved by the order passed in revision by the Minister for Food Supply and Consumer Protection upholding the cancellation of the licence of a fair-price shop. The only ground on which this Court is

inclined to intervene in the matter is the fact that the petitioner was served with notice of hearing on 19.6.2003 and the hearing before the Minister was kept on 20.6.2003. The petitioner, therefore, could not travel from his village to Mumbai for hearing. In these circumstances, the Minister considered the matter without hearing the petitioner.

3. Having regard to the fact that the matter concerns the petitioner's livelihood, I am of view that the impugned order is liable to be set aside. The Minister may decide the matter afresh, after hearing the petitioner. The revision may be decided on its own merits. This Court is not inclined to make any other observations in the petitioner's favour. The petitioner is directed to appear before the Minister on 19.9.2005.

4. The rule is made absolute in the aforesaid terms.

S.A. BOBDE, J.